

1 Amend 2 Cal. Code of Regulations section 18239 as follows:

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3 **18239. Definition of Lobbyist**

4  
5 (a) Introduction.

6 (1) If an individual engages in direct communication, other than administrative  
7 testimony, with a qualifying official for the purpose of influencing legislative or  
8 administrative action on behalf of any person other than his or her employer, apply  
9 Government Code Section 82039 and subdivision (b) of this regulation to determine if  
10 the individual is a lobbyist.

11 (2) If an individual engages in direct communication, other than administrative  
12 testimony, with a qualifying official for the purpose of influencing legislative or  
13 administrative action only on behalf of his or her employer, apply Government Code  
14 Section 82039 and subdivision (c) of this regulation to determine if the individual is a  
15 lobbyist.

16 (b) A lobbyist is an individual who receives or becomes entitled to receive \$2,000  
17 or more in compensation in any calendar month for engaging in direct communication,  
18 other than administrative testimony, with one or more qualifying officials for the purpose  
19 of influencing legislative or administrative action.

20 (c) A lobbyist is an individual who spends one-third or more of the time, in any  
21 calendar month, for which he or she receives compensation from his or her employer,  
22 engaging in direct communication, other than administrative testimony, with one or more  
23 qualifying officials for the purpose of influencing legislative or administrative action.

24 (d) Definitions.  
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1        (1) “Administrative testimony” means either of the following:

2        (A) (1) “Administrative testimony” means influencing Influencing or attempting  
3        to influence administrative action by acting as counsel in, appearing as a witness in, or  
4        providing written submissions, including answers to inquiries, which become part of the  
5        record of:

6        ~~(A) Any~~ any regulatory or administrative agency proceeding:

7        (i) Which is conducted as an open public hearing for which public notice is given;

8        (ii) Of which a record is created in a manner which makes possible the creation of  
9        a transcript; and

10       (iii) With respect to which full public access is provided to such record or  
11       transcript and to all written material which is submitted to become part of the record.

12       (B) ~~Any regulatory proceeding of the California Public Utilities Commission as~~  
13       ~~defined in subdivision (C) of this regulation.~~ communication made at a public hearing,  
14       public workshop, public forum, or included in the official record of any proceeding, as  
15       defined in Government Code section 82002(b) or (c), before the California Public  
16       Utilities Commission.

17       ~~(C) For purposes of this subdivision, “regulatory proceeding before the~~  
18       ~~California Public Utilities Commission” means an application, complaint, investigation,~~  
19       ~~rulemaking, alternative dispute resolution procedures in lieu of formal proceedings as~~  
20       ~~may be sponsored or endorsed by the California Public Utilities Commission, or other~~  
21       ~~formal proceeding before the California Public Utilities Commission.~~

22

1           (2) "Compensation" means any economic consideration, other than  
2 reimbursement for reasonable travel expenses, i.e., expenses for transportation plus a  
3 reasonable sum for food and lodging.

4           (3) "Direct communication" means appearing as a witness before, talking to  
5 (either by telephone or in person), corresponding with, or answering questions or  
6 inquiries from, any qualifying official, either personally or through an agent who acts  
7 under one's direct supervision, control or direction.

8           (A) Direct communication does not include any request for or provision of purely  
9 technical data or analysis to an administrative agency by a person who does not otherwise  
10 engage in direct communication for the purpose of influencing legislative or  
11 administrative action.

12           (B) For the purposes, of determining whether an individual qualifies as a lobbyist  
13 pursuant to subdivisions (b) or (c), an individual does not engage in "direct  
14 communication" when he or she meets or speaks with a qualifying official in the  
15 company of a registered lobbyist retained by the individual or individual's employer or by  
16 a bona fide trade association or membership organization of which the individual or  
17 individual's employer is a bona fide member.

18           (4) "Influencing legislative or administrative action" means communicating  
19 directly or taking any other action for the principal purpose of supporting, promoting,  
20 influencing, modifying, opposing, delaying, or advancing any legislative or  
21 administrative action.

22           (5) "Qualifying official" means:

23           (A) Any elected state official;

- 1 (B) Any legislative official;
- 2 (C) Any appointed, elected, or statutory member or director of any state agency;
- 3 (D) Any staff member of any state agency who makes direct recommendations to
- 4 the persons listed in subdivision (5)(C) of this subdivision, or who has decisionmaking
- 5 authority concerning such recommendations.

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7 Note: Authority: Section 83112, Gov. Code

8 Reference: Section 82039, Gov. Code